

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION MEETING HELD ON THURSDAY, FEBRUARY 16, 2017.

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Cooney called the meeting to order at 9:32 a.m.

II. ROLL CALL

Edward Austin Cooney, Chairman	PRESENT
Richard Rene Silvin, Vice Chairman	PRESENT
Nikita Zukov, Member	PRESENT
Jacqueline Albarran, Member	PRESENT
Page Lee Hufty, Member	PRESENT
William J. Strawbridge, Jr., Member	PRESENT
Jacqueline Weld Drake, Alternate Member	PRESENT (left at 1:35 p.m.)
Anne Fairfax, Alternate Member	PRESENT
Jorge Sánchez, Alternate Member	ABSENT (unexcused)

Staff Members present were:

Veronica Close, Assistant Director of Planning, Zoning & Building
John Lindgren, Planning Administrator
Kelly Churney, Secretary to the Landmarks Preservation Commission
Skip Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Cooney led the Pledge of Allegiance.

IV. APPROVAL OF THE MINUTES OF THE JANUARY 18, 2017 MEETING

Motion made by Ms. Albarran and seconded by Mr. Silvin to approve the minutes of the January 18, 2017 meeting. Motion carried with all in favor.

V. APPROVAL OF THE AGENDA

Chairman Cooney requested to move the designation hearing for 218 Barton Avenue to the beginning of the agenda.

Motion made by Mr. Silvin and seconded by Ms. Hufty to approve the agenda as amended. Motion carried with all in favor.

VI. ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

VII. COMMENTS FROM THE PUBLIC AND COMMISSION MEMBERS: (Please limit comments to 3 minutes):

Mr. Gary, 229 Onondaga Ave., expressed his objections regarding the helipad proposed at Mar-A-Lago. He suggested that the pad be placed on the Atlantic beachfront and discussed his reasons for this suggestion. He also stated that he believes that the Town has overlooked other alternatives.

XI. DESIGNATION HEARINGS

Item 1: 218 Barton Avenue

Owner: Lazarek, Daniel G. and Natalie

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney provided confirmation.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style, 1920 William B. Eckler home. Ms. Stillings pointed out the design features, which include the home's asymmetrical massing, a distinctive entrance, the house placement on the lot and the main entrance's orientation at a 45-degree angle to the lot line positioned between two wings of the home. Ms. Stillings testified that the building meets the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction or use of indigenous materials or craftsmanship; and

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Motion made by Ms. Albarran and second by Mr. Silvin that the designation report be made part of the record. Motion carried with all in favor.

John Dotterrer, Attorney for the owners, stated that the owners objected to the proposal to landmark their home. He submitted supporting documents and a timeline that outlines their objections. Mr. Dotterrer questioned whether he could file additional supporting documents up to 3 days following the meeting.

Mr. Randolph stated that he was not aware of that provision in the Code and informed Mr. Dotterrer that he could defer the meeting until he had all of his documents available.

Daniel Lazerek, owner of 218 Barton Avenue, provided a history to the Commissioners of the purchase of the home, the plans he made to contract for a new home as well as the personal adversities that he and his wife have faced since they purchased the home.

Natalie Lazerek, owner of 218 Barton Avenue, detailed her family history with the home, the purchase of the home, plans to rebuild the home, her complications from child birth and her child's illness.

Harold Smith, Architect for the owners, provided a summary of his firm's relationship with the Lazareks to build a new home.

Mr. Dotterrer showed the Commission a rendering of the proposed replacement home that reflected the current home with similar architectural features. He suggested that, in the future, home owners should be notified when their home is voted to be put under consideration for landmarked status. He stated his clients' efforts to build a new home fell under the doctrine of equitable estoppel and provided his reasoning. He requested the Commissioners remove 218 Barton Avenue from its current status of "under consideration" and to not landmark the home.

Mr. Randolph told the Commissioners that he asked Mr. Dotterrer whether the owners would agree to rebuild a home as shown in the rendering if the Commission decided to remove it from the "under consideration" list. Mr. Dotterrer indicated that the owners would agree to that condition.

Many of the Commissioners were not in favor of landmarking this home for various reasons.

Mr. Silvin asked the owners if they would retain some of the architectural details from the current home when the rebuild. Ms. Lazerek stated that their intent was to do so. Mr. Silvin asked about preserving some of the façade. Ms. Lazerek stated she would do so as long as it was not a structural element.

Mr. Smith stated the replica home is not exact but they would try to bring in as much of the exterior architectural details as they could.

Each of the Commissioners provided their opinions whether or not to landmark the home.

Mr. Strawbridge recommended that the owners bring in their plans for the Landmarks Commissioners to review them.

Mr. Cooney expressed his concern to Mr. Randolph about their possible decision and whether this would set a precedence for future cases that are opposed. Mr. Randolph responded.

Mr. Lindgren asked Mr. Randolph about the possibility of landmarking the future home. Mr. Randolph responded.

Mr. Cooney called for public comments and there was none.

Motion made by Mr. Zukov and seconded by Mr. Silvin to remove 218 Barton Avenue from the "under consideration" list for landmark status and that ARCOM receives a copy

of the recommendation to require that the front façade of the new building reflect the old design as much as possible.

Some discussion ensued about the motion that had been made.

Motion amended by Mr. Zukov and seconded by Mr. Silvin to remove 218 Barton Avenue from the “under consideration” list for landmark status. Motion carried with all in favor.

VIII. INFORMAL REVIEW

1. COA-026-2015, 255 S. County Rd – Paint Colors

Danny Brown, with GliddenSpina, provided a history of the project and stated that a historic color analysis was a condition of the approval. Mr. Brown showed the Commissioners the originally proposed colors, the historic color analysis results and the currently proposed colors.

Many of the Commissioners were in favor of the new color scheme.

Mr. Zukov questioned the different yellows that were proposed. Mr. Brown responded.

Ms. Hufty stated that she preferred the Cream Fleece color over the Gray Palomino and liked the initial proposal of the white on the northern most building as well.

Mr. Strawbridge stated that he spoke with Jeff Smith who told him that it was Volk’s suggestion to paint all of the buildings yellow. He stated that he would also agree to choose a yellow for all of the buildings. Some of the Commissioners were not in agreement with this suggestion.

Ms. Fairfax agreed with Ms. Hufty’s suggestion to include the white in the northern most building.

Motion made by Ms. Hufty and seconded by Ms. Albarran to approve the colors as presented with the caveat that the buildings proposed to be painted in the Gray Palomino are changed to Cream Fleece and that the northern most building be painted in the Cream Fleece on the bottom and white on the top. Motion carried 5-2 with Messrs. Strawbridge and Zukov opposed.

A short break was taken at 10:58 a.m. The meeting resumed at 11:06 a.m.

IX. PUBLIC HEARINGS

A. Application for Certificate of Appropriateness #057-2016

***LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)* - Done**
12/21/16

Address: 323 Chilean Ave.

Owner/Applicant: Ambassador Mark Gilbert

Architect: Jacqueline Albarran, Architect, PA

Project Description: Raise existing main house to achieve a 7.5’ NGVD finish floor elevation and relocate it to the East and South. Raise existing guest house to achieve a 7.5’ NGVD finish floor elevation and leave in existing footprint. One and two story additions

to both main house and guest house. New trellis, pool, spa, fountain and patios. Replace existing, non-original roof shingles with barrel tile. Replace all windows and doors with new wood impact.

VARIANCE INFORMATION: The applicant is proposing to lift the house to meet the FEMA requirement of 7.5 NGVD and construct a 60.26 square foot addition to create a new 2 car garage that will have a 7.28 foot west side yard setback in lieu of the 10 foot minimum required.

At the December meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impact to the subject landmarked property. At the January meeting, a motion carried to defer the item to the February 16, 2017 meeting at the staff's request.

Call for disclosure of ex parte communication: Disclosure by several members.

Ms. Albarran declared a conflict for this project. Ms. Fairfax voted in her absence.

Ms. Albarran presented a vicinity map, streetscapes, a site plan, existing photos, a proposed site plan, a roof plan, historic photos, elevations, colored renderings and stated she would be returning for the proposed landscape in the future.

Mr. Cooney questioned why the windows were not changed to reflect the historic sleeping porch. Ms. Albarran responded.

Ms. Fairfax inquired about the garden door that was being removed. Ms. Albarran responded.

Motion by Mr. Zukov and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

B. Application for Certificate of Appropriateness #001-2017

Address: 17 Golfview Road

Owner/Applicant: 17 Golfview Road, LLC

Architect: Jacqueline Albarran, Architect, PA

Landscape Architect: Keith Williams/Nievera Williams Design

Project Description: New second story extension in interior courtyard. New wood impact windows and exterior doors. Replace existing clay barrel roof with same. Any additions, materials and detailings to match existing.

At the January meeting, the project was heard informally but no action was taken.

Call for disclosure of ex parte communication: None.

Ms. Albarran declared a conflict for this project. Ms. Fairfax voted in her absence.

Ms. Close stated that Ms. Albarran declared a conflict for this project, 17 Golfview Road, at the January 18, 2017 meeting and had correctly completed the 8B form in accordance with State Law.

Ms. Albarran provided a brief history of the home. She presented a site map, existing photos, floor plans, roof plans, historic drawings, proposed elevations and indicated all of the changes proposed.

Mr. Williams presented a site plan and the proposed changes to the landscape plan. He stated he simplified the landscaping based on the previous comments from the Commissioners. He presented colored renderings of all elevations, a front walkway rendering and fountain details.

Mr. Cooney asked about the proposed tree for the courtyard. Mr. Williams responded.

Mr. Strawbridge stated his concern about the proposed plants on the palms in the front yard. He placed a picture of the view of Golfview Rd. on the overhead to make the argument that the plantings on the palm trees were not appropriate. Mr. Williams agreed.

Motion made by Mr. Strawbridge and seconded by Mr. Zukov to approve the project as presented with the caveat that the two palms in the front will not have any plantings placed on them. Motion carried with all in favor.

C. Application for Certificate of Appropriateness #002-2017

Address: 340 Royal Poinciana Way, Suite 301

Owner/Applicant: RPP Palm Beach Property, LP, a DE Limited Partnership

Architect: Keith Spina/Glidden Spina + Partners

Project Description: Hermès of Paris requests that in order to best activate the newly renovated courtyards at The Royal Poinciana Plaza, they will focus their main entry points on the north elevation of the suite, overlooking the restored courtyards and fountains. On the south elevation, one previously approved door will be clear glazing. On the east elevation, the former point of entry will be clear glazing, and the north elevation will accommodate the new main point of entry. Hermès of Paris is excited to shift the entry to the courtyard, as it will be the most effective way to activate the store, and the courtyards, to provide guests with an exceptional customer experience, just as John Volk originally intended for the property to function.

At the January meeting, the project was heard informally but no action was taken.

Call for disclosure of ex parte communication: None.

Alexandra Patterson, UpMarkets, stated that the presentation had not changed since it was heard by the Commissioners in January. She presented elevations that included the doors and windows that are proposed to be changed. She reminded the Commission that Hermès had proposed to shift their entrance to the courtyard. Ms. Patterson also reminded the Commission that the second floor windows were proposed as a single pane window.

Motion made by Ms. Hufty and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

D. Application for Certificate of Appropriateness #003-2017

LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S) - Done
1/18/17

Address: 101 El Brillo Way

Owner/Applicant: The Palm Trust, c/o Maura Ziska Trustee

Architect: Jose Luis Gonzalez-Perotti/Portuondo Perotti Architects, Inc.

Project Description: Proposed improvements include demolition of existing two-story kitchen, staff and laundry portion of residence. This area will be replaced with proposed two-story kitchen, family room and guest wing as well as basement storage. The existing residence will also be remodeled in interiors. Landscape improvements are also proposed.

VARIANCE INFORMATION: The applicant is renovating a Landmarked residence which includes a proposal to add a 7,873 square foot, two story addition with a basement to the west side of the residence for a new kitchen and guest wing and a 252 square foot two story addition to the east side of the residence to enlarge the existing office/den. The following variances are being requested: 1) a rear yard setback of 8.25 feet in lieu of the 15 foot minimum required for the guest wing addition on the west side of the residence (268 square feet is encroaching in the setback); 2) a rear yard setback of 10.33 in lieu of the 15 foot minimum required for the office/den addition to the east side of the residence (70 square feet is encroaching in the setback).

At the January meeting, a motion carried that the implementation of the proposed variance would not cause negative architectural impact to the subject landmarked property.

Call for disclosure of ex parte communication.

Maura Ziska, Attorney for the owner, stated that the Town Council approved the variance requests at the February meeting. She also stated that they are now applying for tax abatement for this project and would like a one-month deferral to allow time to fill out the required paperwork.

Ms. Fairfax inquired whether tax abatement projects need to follow the Secretary of Interior Standards. Ms. Stillings stated that they do have follow those standards and that she would distribute a copy to all of the Commissioners.

Motion carried by Mr. Silvin and seconded by Ms. Hufty to defer the project for one month to the March 16, 2017 meeting. Motion carried with all in favor.

E. Application for Certificate of Appropriateness #004-2017

Address: 330 Island Rd.

Owner/Applicant: Arthur Mineroff

Architect: Tim Johnson and Fernando Wong/Fernando Wong Outdoor Living Design, Inc.

Project Description: Add a reflecting pool to the back of the property.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Johnson presented the plans for the proposed reflecting pool and stated it would not be visible from any location in the front. Mr. Johnson stated he spoke to the neighbors regarding their concerns on the construction of this project.

Mr. Strawbridge put a picture of the rear of the property on the overhead and expressed his concern about the lack of greenspace. He was not in favor of the proposed pool.

Ms. Hufty agreed and stated she was not in favor of the proposed pool. She questioned the greenspace calculation. She also spoke of the difficulties that she experienced with the construction at the site over the last four years.

Ms. Close reviewed about the Town's policies on construction parking.

Mr. Johnson stated he will be on the site during the construction for the proposed pool and will manage their vehicles.

Mr. Cooney confirmed that the proposed construction would take place between June 1st through September 1st of this year. Mr. Johnson provided confirmation of this request.

Motion made by Ms. Albarran and seconded by Mr. Zukov to approve the project as presented with the caveat that the project be completed between June 1st and September 1st of this year. Motion carried 6-1 with Ms. Hufty opposed.

F. Application for Certificate of Appropriateness #005-2017

Address: 1100 S. Ocean Blvd.

Owner/Applicant: Mar A Lago Club Inc./Shawn McCabe (Owner's Authorized Agent)

Architect: Rick Gonzalez, AIA/REG Architects, Inc.

Project Description: The addition of a 50ft diameter (1,964 sf) helicopter pad including all associated site work as outlined by HMX-1 (Marine Helicopter Squadron One). The helicopter pad is to be located within the Western lawn on an existing open grassy area adjacent to the service road that connects the main North parking lot to the small South parking lot.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Gonzales stated his credentials and stated he had performed work at Mar-A-Lago for over 22 years. Mr. Gonzalez presented a site survey, an aerial view, discussed the letter from The National Trust for Historic Preservation, a photo of proposed helipad site and the general view of the site, reviewed materials to be used for the proposed pad and the dimensions of the helicopters that would be landing at the site. He stated that he received the proposed plans from Washington.

Ms. Hufty stated she was in favor of the request.

Ms. Fairfax asked about the decibel levels of the helicopters. Mr. Cooney responded and stated that aspect of the project fell under the Town Council's purview.

Jesse Diner, Attorney for Nancy DeMoss at 185 Woodbridge Road, expressed his client's concern about the noise, privacy and the enjoyment of the property should this project be approved. He stated that his client requires constant medical care, which had recently been affected. He requested that an alternative landing site be researched. He questioned the timeline of the work for the proposed pad as well as the restrictions placed on the landing pad. He asked about the noise ordinance in chapter 42, article 5 and stated the helicopters would far exceed the decibels in the ordinance. He questioned whether or not the traffic would be alleviated if the landing pad is installed.

Rosemary Reder, citizen, stated her support for the landing pad.

Mr. Randolph discussed the criteria that the Commission needed to consider to make their determination for approval.

Ms. Fairfax expressed concern again about the decibel levels that come with a helicopter landing and believes this should be considered for the concern expressed by the neighbor.

Many of the of the Commissioners were in favor of the landing pad. Some members where sympathetic for the neighbor's concern. It was stated that this location was a good choice for the helipad and asked that the pad be removed when President Trump leaves office.

Mr. Cooney discussed the letter from The National Trust for Historic Preservation and stated that President Trump's office sought proper approval for the proposed helipad. Mr. Cooney asked the architect whether the provisions for removal were acceptable as well as making sure the intended use was exclusively for the President.

Paul Rampell, Attorney for the Mar-A-Lago Club, stated that if the Town Council requested the pad to be removed at the end of President Trump's term, it would be done. Mr. Randolph stated that the Town Council had already added the stipulation on the removal to their decision.

Mr. Silvin asked if other items would be constructed around the site, such as a fuel tank. Mr. Gonzalez stated there would be no other items added.

Motion by Ms. Hufty and seconded by Mr. Silvin to approve the project as presented. Motion carried with all in favor.

Please note: A short break was taken at this time.

G. Application for Certificate of Appropriateness #007-2017

Address: 350 Worth Ave.

Owner/Applicant: Everglades Club Inc. (Scott Lese, General Manager)

Architect: Jason P. Drobot/Brasseur & Drobot Architects, P.A.

Project Description: Removal of interior partitions and floor slab in order to make structural improvements to the existing foundation. New floor slab and kitchen layout to be added in order to complete the 4th phase of the kitchen renovation. One existing exterior door on the west side of the staff dining room to be removed and relocated in order to accommodate the new kitchen layout. One existing overhead door on the west side of the existing kitchen used for receiving to be removed, relocated and replaced with a pair of solid core metal swing doors. *****Please note: this is a tax abatement project*****

Call for disclosure of ex parte communication: NONE.

Mr. Drobot stated that project entailed a phase 4 kitchen renovation. He presented a site plan, demolition plan, a floor plan, existing exterior photos. He indicated all of the proposed changes.

Mr. Cooney asked Mr. Drobot if he had elevations for the project. Mr. Drobot stated he had photos. Mr. Cooney stated that elevations are required to see any exterior changes. Mr. Cooney stated he would recommend a one-month deferral to obtain a complete submittal.

Motion made by Ms. Drake and seconded by Mr. Silvin to defer the project for one month to the March 16, 2017 meeting. Motion carried with all in favor.

X. OTHER BUSINESS

A. Informal Review – Application for Certificate of Appropriateness #006-2017
LPC TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 130 Brazilian Ave.

Owner/Applicant: David and Zoya Soane

Architect: Jason P. Drobot/Brasseur & Drobot Architects, P.A.

Project Description: The proposed project is a 499 square foot two story addition to the southwest corner of the existing three story residence. The first floor included a 249.5 square foot air conditioned family room. The second floor includes a 249.5 square foot uncovered balcony off of an existing bedroom. A portion of the existing concrete patio will be removed to provide more grass area. The existing pool shall be modified to be one third smaller in width.

VARIANCE INFORMATION: The applicant is requesting a variance for cubic content ratio ("CCR") to construct a two story 499 square foot addition to the rear of the landmarked residence that will result in a CCR of 4.31 in lieu of the 4.11 existing and the 3.97 maximum allowed. The addition is a one story with an open balcony above.

Call for disclosure of ex parte communication: Disclosure by several members.

Maura Ziska, Attorney for the owners, explained the variance that is requested. She stated that the project had changed due to a neighbor's concern. She also stated that the neighbor had requested a deed restriction relating to the roof on the addition, in which her client is agreeable.

Mr. Drobot presented the proposed plans for the project and explained the changes that were proposed to the addition. He showed the Commission a site plan, a materials removal plan, floor plans, a roof plan, existing and proposed elevations and photos of existing home.

John Eubanks, Attorney for neighbor Tom McCarthy, expressed his belief that the owner did not have a hardship for the variance in which they are seeking and also stated his client would object to a flat roof if proposed.

Ms. Ziska stated that this hearing is to request a recommendation to the Town Council on the variance and whether it has a negative impact to the landmarked property.

Most of the Commissioners felt that this addition was sensitively designed, modest and were in favor of the project.

Ms. Fairfax recommended keeping the exterior tile elements that enhance the house.

Motion made by Mr. Silvin and seconded by Mr. Zukov that the implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Motion carried with all in favor.

B. Informal Review – Application for Certificate of Appropriateness #008-2017

LPC TO MAKE RECOMMENDATION RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW

Address: 1 S. County Rd.

Owner/Applicant: The Breakers Palm Beach, Inc.

Architect: Steve Pollio/Peacock and Lewis AIA

Landscape Architect: Jon Schmidt/Jon E. Schmidt and Associates

Project Description: Resubmittal of the front lawn pavilions – two accessory buildings to be constructed on the front croquet lawn. The south building will be utilized to plate food for events and the north building will have restrooms to serve the area. The lawn is located on the west side of the hotel. Revisions have been made based on previous landmark comments. Engine room diesel tank and pad – installation of a housekeeping pad and 3000-gallon diesel tank to support a new generator. It will be situated in a utility area on the north end of the property surrounded by landscape.

SPECIAL EXCEPTION AND SITE PLAN REVIEW INFORMATION: The applicant is requesting a special exception with site plan review approval for the following modifications to The Breakers Hotel: Diesel fuel tank at engine room service court. Add 3,000-gallon diesel fuel tank on concrete slab just north of service court in previously-approved engine room expansion area on the north side of the main hotel. This fuel tank is 18.16 feet long, 5.91 feet wide and 5.91 feet high. Its purpose is to provide fuel to the new emergency generator. Front Lawn Service Buildings. Two one-story accessory buildings, known as pavilions will be constructed on the front/croquet lawn. The south building (755 square feet) will be utilized to plate food for outdoor events and the north building (446 square feet) will contain restrooms to serve the area. The lawn is located southwest of the hotel. While The Breakers has been using the lawn for events and functions for many years, Town Council approval is required to continue using the lawn for events.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Pollio presented an overview of the proposed project. He showed the Commissioners a site plan of the pavilion project, showed photos of the back of the house staging areas, drawings of the originally proposed pavilions and compared them to the scaled down versions currently proposed, existing site photos, elevations and renderings.

Mr. Schmidt presented the proposed landscape and hardscape plans for the pavilion project and indicated all of the proposed changes.

Mr. Pollio presented the proposed plans for the fuel tank. He showed the Commissioners the proposed location, a site plan, an aerial photo, fuel tank specifications, existing photos of the area and discussed the work that is currently being done in the location.

Mr. Strawbridge asked if the tank could be buried. Mr. Pollio responded.

Ms. Albarran requested that a hedge be installed on the southwest corner to mitigate part of the pavilion. Mr. Pollio agreed and stated he would make that change.

Ms. Drake questioned why there was so much hardscape proposed around the fountain. Mr. Pollio further explained the design.

Mr. Cooney, while understanding the practical need for the pavilions, stated he was not in favor of the proposed buildings and questioned the loss of over 50 trees. Mr. Pollio responded and provided reasons for the proposed pavilions. Mr. Schmidt responded in regard to the elimination of the trees.

Ms. Close discussed the tree removal requirement. She also discussed a current proposal for an ordinance dealing with shade trees.

Ms. Drake stated that she believes there is a need for these pavilions.

Motion made by Ms. Drake and seconded by Mr. Silvin that the implementation of the proposed special exception and site plan will not cause negative architectural impact to the subject landmarked property. Motion carried 6-1 with Mr. Cooney opposed.

XII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING ZONING & BUILDING DEPARTMENT DIRECTOR

Ms. Close stated that 132 Clarke Avenue was landmarked at the Town Council meeting on February 15, 2017. Mr. Cooney provided additional information from the meeting regarding this property.

Mr. Silvin asked if there is a way for the Commission to be informed when a property receives a CO after it had originally received approval from the Commission. Ms. Close stated that she could provide that list to the Commission every 6 months.

Ms. Hufty questioned the definition of a shade tree. She also asked if they are protected. Ms. Close stated that there is a definition of a shade tree in the proposed ordinance.

Mr. Strawbridge asked to add re-landmarking Worth Avenue as a discussion item at next month's meeting.

Ms. Fairfax asked how to consider a property for landmarking. Mr. Cooney responded.

XIII. ADJOURNMENT

Motion made by Mr. Silvin and seconded by Ms. Albarran to adjourn the meeting at 1:44 p.m. Motion carried with all in favor.

The next meeting of the Landmarks Preservation Commission will be held on Thursday, March 16, 2017 at 9:30 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Rd. Palm Beach.

Respectfully submitted,



Edward A. Cooney, Chairman
LANDMARKS PRESERVATION COMMISSION

kmc

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Albarra, Jacqueline</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>324 Royal Palm Way # 227</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ <i>Town</i> OTHER LOCAL AGENCY	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>2-16-17</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jacqueline Albanan, hereby disclose that on 2/16, 20 17:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

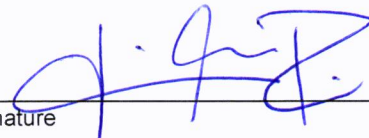
Continuing conflict
for
COA - 001 - 2017
17 Golfview Rd

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

2/16/17

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Albarrao Jacqueline</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Landmarks Preservation Commission</i>	
MAILING ADDRESS <i>324 Royal Palm Way # 227</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ <i>Town</i> OTHER LOCAL AGENCY	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
DATE ON WHICH VOTE OCCURRED <i>2-16-17</i>		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jacqueline Albaran, hereby disclose that on 2-16, 20 17:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

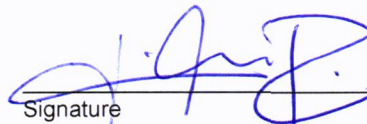
continuing conflict
for
COA-057-2016
323 Chilean Ave.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

2/16/17

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.